

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

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UNITED STATES OF AMERICA, ex rel.  
ANDREW ELLIS, HARRIET ELLIS, and  
MICHAEL W. BLODGETT,

Case No. 11-CV-0416 (PJS/TNL)

Plaintiff-Relators,

ORDER

v.

CITY OF MINNEAPOLIS, a municipal  
corporation; CITY OF ST. PAUL, a  
municipal corporation; METROPOLITAN  
COUNCIL, as an entity requesting and  
receiving HUD, CDBG, HOME and other  
federal funds; and JOHN AND JANE DOES,  
individually, jointly, and severally,

Defendants.

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Relator Michael W. Blodgett has filed what he characterizes as a “Motion to Alter or Amend Judgment” pursuant to Rule 59(e) of the Federal Rules of Civil Procedure. ECF No. 190. Blodgett has mischaracterized his motion, however. No judgment has been entered in this case. Obviously, the Court cannot alter or amend a judgment that does not exist.

What Blodgett has really filed is a motion for the Court to reconsider its September 25, 2013 order dismissing Blodgett from this case. That motion is denied for two reasons. First, Local Rule 7.1(j) requires that a party seeking to file a motion to reconsider must first file a letter seeking the Court’s permission to file the motion. Blodgett filed no such letter — the latest of his countless violations of the rules in this case — and thus he obviously did not receive the Court’s permission to file his motion. Second, even if Blodgett had sought permission of the Court to file his motion, that permission would have been denied, as Blodgett has not shown

“compelling circumstances” as to why the Court should reconsider its September 25, 2013 order. D. Minn. L.R. 7.1(j).

Blodgett also requests that the Court enter judgment pursuant to Fed. R. Civ. P. 54(b), so that he may immediately appeal his dismissal from this case. Certification under Rule 54(b), however, “should be granted only if there exists some danger of hardship or injustice through delay which would be alleviated by immediate appeal.” *Williams v. Cnty. of Dakota, Neb.*, 687 F.3d 1064, 1067 (8th Cir. 2012) (quotations omitted). The Court can discern no such hardship or injustice to Blodgett in the absence of an immediate appeal. Conversely, granting Blodgett’s request would conflict with the Court’s “interest in preventing piecemeal appeals” and in preventing the unnecessary squandering of scarce judicial resources. *Id.* at 1069. Blodgett’s motion is therefore denied.

#### ORDER

Based on the foregoing, and on all of the files, records, and proceedings herein, IT IS HEREBY ORDERED that relator Michael W. Blodgett’s motion to alter or amend judgment and motion for entry of final judgment [ECF No. 190] is DENIED.

Dated: October 24, 2013

s/Patrick J. Schiltz  
Patrick J. Schiltz  
United States District Judge